

Applicant: Izumi, et al.
U.S.S.N.: 10/027,185
RESPONSE TO OFFICE ACTION
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REMARKS

Applicants appreciate the Examiner's thorough examination of the subject application and request reconsideration of the subject application based on the foregoing amendments and the following remarks.

Claims 1-6, 14-19 and 27-46 are pending in the subject application. Claims 35 and 45 are canceled.

In this regard, Applicants would note that the Office Action does not list claim 19 as being a pending claim. Claim 19 was not cancelled from the subject application by Applicants and claim 19 was included along with the listing of claims provided with the Response to Final Office Action dated June 30, 2004. As such, Applicants respectfully request that the records of the USPTO be corrected so as to indicate that claim 19 is pending in the subject application. If claim 19 was canceled by inadvertence of the USPTO, Applicants herein authorize the Examiner to enter an Examiner's Amendment to re-enter claim 19 as it was presented in the above-identified Response to Final Office Action or to take other appropriate action (i.e., adding a claim that reflects the limitations of claim 19).

Claims 1-6, 27-34, 36-40, 42, 44 and 46 are acknowledged as being allowable by the Examiner.

Claims 14, 15, and 43 stand rejected under 35 U.S.C. §102 on the basis of a newly found reference. Claims 16-18 and 41 were objected to as being dependent from a rejected base claim, however, it was indicated that these claims would be allowable if appropriately re-written in independent form.

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Claim 14 was amended so as to include the limitations of claim 16 and claim 16 was canceled in the foregoing amendment.

Claim 17 was amended in view of the cancellation of claim 16 so that claim 17 now depends from claim 14.

The amendments to the claims are supported by the originally filed disclosure.

35 U.S.C. §102 REJECTIONS

Claims 14, 15 and 43 stand rejected under 35 U.S.C. §103 as being unpatentable over the Takahara [USP 4,906,071] for the reasons provided on pages 2-3 of the above-referenced Office Action. Applicants respectfully traverse. Because claims were amended in the foregoing amendment, the following discussion refers to the language of the amended claim(s). However, only those amended features specifically relied on in the following discussion shall be considered as being made to overcome the prior art reference.

As indicated in the Office Action, claim 16 is objected to as being dependent from a rejected base claim (claim 14) and it also was indicated that claim 16 would be allowable if appropriately re-written in independent form. As also indicated herein claim 14 was amended so as to include the limitations of claim 16. As such, Applicants believe that claim 14 is allowable

It is respectfully submitted that for the foregoing reasons, claims 14, 15 and 43 are patentable over the cited reference(s) and thus satisfy the requirements of 35 U.S.C. §102. As such, these claims and the claims dependent therefrom are allowable.

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CLAIMS 16-18 and 41

In the above-referenced Office Action, claims 16-18 and 41 were objected to as being dependent upon a rejected base claim. It also was provided in the above-referenced Office Action, however, that these claims would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claim(s).

As indicated above, claim 19 was not listed as a pending claim, which claim as indicated above was not canceled from the subject application by Applicants. As claim 19 depends from objected to claim 19, Applicants presume that claim 19 also would have been listed as being an objected to claim.

Claim 16 was not expressly re-written in independent form as suggested by the Examiner. Rather claim 14, the base claim, was amended in the foregoing amendment so as to include the limitations of claim 16. Also, claim 16 was canceled in the foregoing amendment.

As to claims 17-18 and 41, these claims were not re-written in independent form as suggested by the Examiner. Applicants however, reserve the right to later amend the subject application so as to present any one or more of these claims in independent form or to add one or more independent claims that contain the limitations of any one or more of claims 17-18 and 41.

It is respectfully submitted that the subject application is in a condition for allowance. Early and favorable action is requested.

Applicants believes that additional fees are not required for consideration of the within Response. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed

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for any excess fee paid, the Commissioner is hereby authorized and requested to charge Deposit

Account No. 04-1105.

Respectfully submitted,
Edwards & Angell, LLP

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By: _____
William J. Daley, Jr.
(Reg. No. 35,487)
P.O. Box 55874
Boston, MA 02205
(617) 439- 4444

Customer No. 21,874